

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF CHESAPEAKE

MARVA AUSTIN,

Plaintiff,

v.

At Law No: _____
JURY TRIAL DEMANDED

WAL-MART STORES EAST, LP.,

Serve: Registered Agent
CT Corporation System
4701 Cox Rd, Ste 285
Glen Allen, VA 23060-6808

And

WAL-MART SUPERCENTER #1682,

Serve: Store Manager
Wal-Mart Supercenter #1682
2448 Chesapeake Square Ring Rd.
Chesapeake, VA 23321

Defendants.

COMPLAINT

COMES NOW the Plaintiff, Marva Austin, by counsel, and files this as her Complaint against the Defendants, Wal-Mart Stores East, LP and Wal-Mart Supercenter #1682, and demands judgment jointly and severally against the Defendants in the amount of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00), together with the costs of this action and pre-judgment interest from July 17, 2020, until paid, for the following to-wit:

1. At all times material herein, Plaintiff Marva Austin ("Ms. Austin" or the "Plaintiff") was an adult resident of the Commonwealth of Virginia, living in the City of Chesapeake, Virginia.



2. At all times material herein, Defendants Wal-Mart Stores East, LP and Wal-Mart Supercenter #1682 (collectively referred to hereafter as “Wal-Mart”) were and are businesses incorporated and existing under the laws of the State of Arkansas and registered as entities authorized to lawfully transact business in the Commonwealth of Virginia.
3. At all times material herein, Wal-Mart owned and/or operated a Walmart store located at 2448 Chesapeake Square Ring Road, Chesapeake, Virginia 23321.
4. At all times material herein, Wal-Mart was acting by and through its agents, representatives and/or employees, all of whom were acting within the course and scope of their agency, representation, and/or employment.
5. On or about July 17, 2020, Plaintiff was a lawful guest, invitee and/or business invitee at the Wal-Mart store located at 2448 Chesapeake Square Ring Road, Chesapeake, Virginia 23321 (the “Premises”).
6. On that same date, while Plaintiff was a lawful guest, invitee and/or business invitee inside the Premises, she slipped and fell due to a puddle of liquid negligently left on the floor of the Premises.
7. At all times material herein, Wal-Mart and its agents, representatives and/or employees owed a duty to Plaintiff to use ordinary and reasonable care; to properly inspect and maintain the Premises, including the floors; and to remove unsafe conditions and/or adequately and properly warn of unsafe conditions on the Premises, including the floors, so that persons in the area, including Plaintiff, might be reasonably safe.

8. At all times material herein, the floor where Plaintiff slipped and fell was not reasonably safe and involved an unreasonable risk of harm.
9. At all times material herein, the unsafe condition at Wal-Mart that caused Plaintiff to slip and fall was known, or in the exercise of reasonable care and inspection, should have been known to Wal-Mart, but was unknown and/or concealed to Plaintiff.
10. Wal-Mart, its agents, representatives, and/or employees, having owed a duty of care to Plaintiff, breached that duty and was negligent in the following respects:
 - a. Failing to use ordinary care;
 - b. Failing to provide a reasonably safe environment;
 - c. Failing to maintain the Premises, including the floors, in a reasonably safe condition and manner;
 - d. Failing to make a reasonable inspection of the Premises, including the floors, and/or failing to take reasonable action(s) to correct the unsafe and hazardous condition that Wal-Mart knew and/or in the exercise of reasonable care, inspection, and supervision, should have known existed where Plaintiff could reasonably be expected to walk;
 - e. Failing to warn individuals, including Plaintiff, of the hidden peril and/or unsafe condition that existed on the Premises that Wal-Mart knew, or in the exercise of reasonable care and inspection, should have known existed;
 - f. Failing to correct the dangerous and/or unsafe condition on the Premises after Wal-Mart knew, or with reasonable care should have known, that such a condition existed;

- g. Failing to keep the Premises, including the floors, fit and reasonably safe for the foreseeable use by others, including Plaintiff; and
 - h. Failing to otherwise exercise due care with respect to the matters alleged in this Complaint that shall be shown through the course of discovery and/or proven at the trial of this action.
- 11. At all times material herein, Wal-Mart's agents, representatives, and/or employees were acting within the course and scope of their agency, representation, and/or employment, and thus any negligent actions of these individuals are imputed to Wal-Mart.
 - 12. At all times material herein, Wal-Mart is vicariously liable for the negligent acts and/or omissions of its agents, representatives, and/or employees.
 - 13. At all times material herein, Plaintiff was not negligent in any respect and did not contribute to her injuries.
 - 14. As a direct and a proximate result of Wal-Mart's negligence, Plaintiff was caused to suffer serious and permanent injuries; has suffered and will in the future continue to suffer great physical pain, mental anguish, disfigurement, and disability; has incurred and will in the future incur medical and related expenses; has suffered and will in the future suffer a loss of earnings and earning capacity; and has been unable and will in the future be unable to attend to her necessary and lawful affairs.

WHEREFORE, Plaintiff, Marva Austin, by counsel, hereby demands judgment, jointly and severally, against Defendants, Wal-Mart Stores East, LP and Wal-Mart Supercenter #1682, in the amount of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00), together with the costs expended in this matter and pre-judgment interest.

Plaintiff demands a **TRIAL BY JURY**.

MARVA AUSTIN

By: 
Of Counsel

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